

HOUSE BILL REPORT

HB 2866

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to enforcement authority over natural resource infractions.

Brief Description: Concerning natural resource infractions.

Sponsors: Representatives Blake and Wallace.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/28/10, 1/29/10 [DPS].

Brief Summary of Substitute Bill

- Authorizes the State Parks and Recreation Commission, the Department of Natural Resources, and the Department of Fish and Wildlife to enter an agreement under the Interlocal Cooperation Act to delegate and accept enforcement authority over the natural resource infractions that are enforceable by the other agencies.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Blake, Chair; Ormsby, Vice Chair; Jacks, Liias, McCoy, Nelson, Rolfes and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Pearson and Warnick.

Staff: Jason Callahan (786-7117).

Background:

Natural Resources Agencies Enforcement.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The three state agencies generally considered to be responsible for the enforcement of the state's natural resources laws are the State Parks and Recreation Commission (Parks Commission), the Department of Natural Resources (DNR), and the Washington Department of Fish and Wildlife (WDFW). Each agency is directed to enforce the statutory provisions related to their own agency.

Of the three agencies, only the enforcement officers of the WDFW are general authority peace officers [RCW 10.93.020]. This status authorizes the WDFW to enforce all criminal laws in the state. The DNR and the Parks Commission employ limited authority peace officers. These are officers of an agency that have, as a job duty, the apprehension or detection of persons committing infractions or violating criminal laws relating to limited subject areas [RCW 10.93.020].

Natural Resource Infractions.

A natural resource infraction is a civil penalty that may be levied against an individual violating certain rules or statutes enforced by the WDFW, the Parks Commission, and the DNR. A notice of infraction may only be issued by a person authorized to enforce the chapter of state law where the violated statute is codified, and may only be heard in the district court of the county where the violation occurred [RCW 7.84.030 & 040].

Natural resource infractions are punishable by a monetary fine. The amount of fine is set by the Supreme Court and can be set between \$10 and \$500 per violation [RCW 7.84.100].

Interlocal Cooperation Act.

The Interlocal Cooperation Act allows two or more public entities to enter into an agreement allowing the entities to exercise jointly any power, privilege, or authority conferred upon the signatory agencies [RCW 39.34.030]. The authority to enter in these agreements is available to any agency of Washington, federal, tribal, or local, or out-of-state government [RCW 39.34.020].

Prior to the sharing of authorities, the public entities must enter into a written agreement. This agreement must outline the duration of the agreement, its purpose or purposes, how the undertaking will be financed, how the agreement can be terminated, who will administer the joint authorities, and the precise nature of any new entity created by the agreement [RCW 39.34.030].

Summary of Substitute Bill:

The Parks Commission, the DNR, and the WDFW are each authorized to enter an agreement under the Interlocal Cooperation Act to delegate and accept enforcement authority over the natural resource infractions that are enforceable by the other agencies. The DNR may not, however, delegate any enforcement authority over the Forest Practices Act.

Substitute Bill Compared to Original Bill:

The substitute bill specifies that the agreement among the three agencies may not include enforcement actions under the Forest Practices Act and includes references to the Interlocal agency agreements in the authorizing statutes for each agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This efficiency measure evolved from the Governor's interim work on reforming the structure of the state's natural resources agencies. Having an interlocal agreement allows the agencies to leverage enforcement capabilities into better protection for citizens and resources.

The bill only applies to civil infractions. It does not increase or decrease the criminal authority of any of the agencies. Currently, the enforcement officers of the DNR and the Parks Commission are authorized to enforce fish and wildlife statutes and rules, but the WDFW officers cannot provide enforcement on state parks or on lands managed by the DNR.

(Opposed) None.

Persons Testifying: Representative Blake, prime sponsor; Bruce Bjork, Washington Department of Fish and Wildlife; Larry Raedel and Lenny Young, Department of Natural Resources; and Brian Hovis, State Parks.

Persons Signed In To Testify But Not Testifying: None.